

TH. COURIER-JOURNAL "OWL" TRAIN OVER SOUTHERN RAILWAY  
Lv. Louisville (4th-St. Cross-  
ing) Daily ..... 5:30 a. m.  
Ar. Lexington ..... 6:45 a. m.  
Lv. Lexington ..... 6:45 a. m.  
Ar. Louisville ..... 8:00 a. m.  
\*Stops on flag signal.

VOL. CIII. NEW SERIES—NO. 13,091.

LOUISVILLE, THURSDAY MORNING, NOVEMBER 3, 1904.—10 PAGES.

RETURNING—THE SOUTHERN RAILWAY'S "ST. LOUIS SPECIAL."  
Leaves Lexington 6:10 a. m.; Louisville 9:00 a. m., daily, arriv-  
ing St. Louis 4:35 p. m.—the fastest train to St. Louis by  
nearly one hour. Entire train with superb dining car runs through  
complete.

PRICE THREE CENTS.  
ON TUESDAY FIVE CENTS.

Agents of the Courier-Journal are  
requested to send in their orders as  
soon as possible for extra papers for  
the days following next Tuesday's  
election. No extras will be sent out  
unless ordered. Make up your orders  
at once, and forward to this office  
promptly in order that there may be  
no failure to supply the demand.

The Weather.  
Forecast for Thursday and Friday:  
Kentucky—Partly cloudy Thursday;  
Friday fair.  
Indiana—Fair Thursday and Friday; va-  
riable winds.  
Tennessee—Rain Thursday; Friday fair.

#### THE LATEST.

Judge Alton B. Parker addressed two  
meetings last night in New York City.  
At Cooper Union he spoke to a large  
audience under the auspices of the  
German-American Parker Union. Other  
speakers at the meeting were Carl  
Schurz, George von Skat and Sig-  
mund Ziesler. The Carnegie Hall  
meeting was addressed by Charles  
Francis Adams, Richard Cram and  
Sigmund Ziesler. At both places Judge  
Parker was received with great en-  
thusiasm and was accorded remarkable  
distinctions when he rose to speak. He  
will make three speeches to-day in  
Connecticut, traveling on a special  
train.

The Coroner's inquest on the victims  
of the North sea tragedy was held at  
Hull, Eng., and the jury returned a  
verdict that the men were killed by  
shots fired "without warning or pro-  
vocation" from the Russian war ves-  
sels. The captains and mates of the  
trawlers testified that they had no arms  
on board, that no Japanese were  
among their crew and that they saw  
no torpedo boats. The Russian ves-  
sels fired without regarding the sig-  
nals of the fishing fleet. The negotia-  
tions between Russia and Great Brit-  
ain, it is stated in London, are pro-  
gressing satisfactorily.

In reversing the judgment of the  
State Fiscal Court, which held former  
State Auditor John S. Sweetney and the  
Fidelity and Deposit Company of  
Maryland, his bondsmen, liable to the  
State for sums aggregating \$19,239.73  
paid to the militia under W. S. Taylor,  
of the Court of Appeals holds that, al-  
though the demands were paid with-  
out proper vouchers, they were proper  
claims against the State. The re-  
versal of the judgment means virtu-  
ally a dismissal of the suits. The opin-  
ion was delivered by Judge Hobson.  
Judge Paynter dissenting from the rul-  
ings.

There have been no developments in  
the Manchurian war zone. The armies  
remain in entrenched positions, with oc-  
casional small affairs along the extend-  
ed lines. St. Petersburg takes a gloomy  
view of the situation at Port Arthur.  
Dispatches indicate that the Russian  
War Office is prepared for the an-  
nouncement of the fall of the fortress.

A reservoir of the municipal water-  
works plant at Winston-Salem, N. C.,  
gave way yesterday, causing the loss  
of nine lives and the injury of several  
persons. Four tenement houses were  
washed several hundred yards by the  
torrent of water. Officials are investi-  
gating the cause of the accident.

The choice of a bishop to succeed the  
late Bishop T. U. Dudley probably rests  
between the Rev. Dr. W. T. Manning  
of New York, and the Rev. Dr. Frank  
DuMoulin, of Chicago, these two names  
being most prominently mentioned at a  
conference of the delegates to the Dio-  
cesan Council last night.

One man was killed and forty per-  
sons were injured by the explosion of  
a box of dynamite at Mt. Vernon, N.  
Y. The property loss is estimated at  
\$100,000. The dynamite was lying un-  
der a bridge where it was being used  
for blasting operations.

The Shady Side Presbyterian church,  
of Pittsburgh, one of the wealthiest  
churches in that city, last night called  
Dr. J. Kinsey Smith, of the Fourth-  
avenue Presbyterian church, Louis-  
ville, to the pastorate. Dr. Smith will  
not act on the call for several weeks.

The three days' supplemental regis-  
tration in Louisville was concluded yes-  
terday, making the total vote recorded  
48,665, the largest in the city's history.  
The figures show material gains in the  
Democratic and Independent totals.

Ten miners were being lowered into  
a shaft at Nanticoke, Pa., when the  
cage became unmanageable and drop-  
ped to the bottom, a distance of 700 feet.  
All the men were either crushed to  
death or drowned.

Engineer Thomas Lasley, of Stanford,  
and Fireman Ernest McKie, of Louis-  
ville, were killed in a head-on collision  
between freight trains near Livingston,  
on the Louisville and Nashville rail-  
road.

Advices received by the State De-  
partment at Washington led to the be-  
lief that the Russian Government will  
soon agree to recognize the passports of  
American Jews traveling in that coun-  
try.

William Matthews, a veteran tobacco  
man of Louisville, died suddenly yes-  
terday of an acute attack of Bright's  
disease and uremic poisoning.

A charter was granted to the Vir-  
ginia and Southwestern Railway Com-  
pany. The capital stock is placed at  
from \$1,000,000 to \$10,000,000.

## ROUSING

### Receptions To Judge Par- ker In New York.

#### DELIVERS TWO SPEECHES.

### LESS TO GERMAN-AMERI- CANS AT COOPER UNION.

#### ECH IN CARNEGIE HALL.

### A Tour of Connecticut To Be Made To-day On Board a Spe- cial Train.

#### AN ATTACK ON MILITARISM.

New York, Nov. 2.—Judge Parker ad-  
dressed meetings at Cooper Union and  
Carnegie Hall, and was given a recep-  
tion at the Democratic Club to-night  
which was the busiest evening pro-  
gramme arranged for him during the  
campaign. At both meetings the can-  
didate was given great ovations, and at  
the reception following nearly every  
member of the club and many invited  
guests shook hands with him. Judge  
Parker will make a hurried tour of Con-  
necticut to-morrow, visiting Bridgeport,  
New Haven and Hartford, at each of  
which place he will speak. He and his  
party will travel by special train, and  
will return to New York the same  
night.

One of the most rousing receptions  
of the campaign was given Judge Parker  
to-night at Cooper Union, where he ad-  
dressed a large meeting held under the  
auspices of the German-American  
Parker Union. The candidate was sub-  
stituted for former President Cleveland,  
who was scheduled originally to address  
the gathering, but was compelled to  
cancel the engagement. Other speakers  
at the meeting were Carl Schurz, the  
presiding officer; George von Skat and  
Sigmund Ziesler, of Chicago. All of the  
addresses were in German except that  
of Judge Parker.

#### A Great Demonstration.

Under an escort of mounted police, in  
charge of Inspector Brooks, Judge  
Parker arrived at Cooper Union at 8:25  
o'clock. Before his arrival there was a  
display of bombs and other fireworks  
in the square north of the building. The  
candidate was warmly cheered by the  
crowd about the building. He entered  
by the platform door on Fourth avenue.  
He was shown to the stage by officers of  
the union in charge of the meeting, and  
met Mr. Schurz in full view of the au-  
dience. They clasped hands in a greet-  
ing that lasted fully a minute, while  
the crowd looked on and applauded ap-  
provingly. The reception given the  
candidate was but a repetition of others  
that have been given him in New York,  
and, in fact, on every occasion where  
he has made public addresses. The  
demonstration continued eight minutes  
before he was permitted to begin his  
speech.

Cooper Union was filled long before  
the meeting opened. The band played  
patriotic music and the audience  
cheered for the candidate again and  
again before the meeting opened.

#### A Welcome To Schurz.

The first great demonstration was at  
7:45 o'clock, when Mr. Schurz arrived.  
A few minutes later the meeting was  
called to order by Herman Ridder, who  
introduced Mr. Schurz as chairman.  
The presiding officer has not been well  
and he spoke with considerable effort,  
making his only address of the cam-  
paign.

#### George Von Skat Speaks.

Mr. Schurz was cheered heartily  
throughout his speech and received a  
tremendous ovation at the conclusion.  
He then introduced George von Skat,  
who said in substance:

"The Republicans claim that anybody  
who opposes their candidate is hope-  
lessly dead. It seems to me, however,  
that we are here in pretty good com-  
pany. The gentleman who did me the  
honor to introduce me (Carl Schurz)  
fought for liberty and right in this  
country when Theodore Roosevelt was  
still in his swaddling clothes. Grover  
Cleveland, who wanted to be with us,  
but was prevented by another engage-  
ment, was good enough for us to give  
our support to three times. No child-  
ren of this country need be ashamed  
to be on the same side with him.  
Whether a man must really be utterly  
depraved to oppose Theodore Roosevelt  
you will soon know after you have  
seen and heard the man whom we want  
to elect President."

The speaker closed with a fervent ap-  
peal to the voters of German descent  
to preserve the liberties "for which you  
have paid so dearly and which are  
threatened by a party satiated with  
greed for power and lust and perf."

#### Ovation To Judge Parker.

It was during this appeal that Judge  
Parker entered. The ovation given the  
candidate was far beyond that ac-  
corded to those who had previously  
appeared. There was a difference give  
in the character of the applause, too.  
Judge Parker in comparison with that  
for the other speakers.

Judge Parker's speech was almost en-  
tirely devoted to the subjects of im-

perialism and militarism, and the sub-  
jects seemed peculiarly popular with  
the audience of German-Americans. He  
was interrupted frequently with pro-  
longed applause, and once when he paid  
homage to Mr. Schurz, personally, as  
one who had met the blighting power  
of militarism. Mr. Schurz came  
forward and shook Judge Parker by  
the hand and thanked him for his  
words. The audience stood up and  
shouted its approval. Judge Parker's  
speech was as follows:


#### Judge Parker's Speech.

When we speak of the growth of an  
imperialistic tendency in this country,  
we don't mean that we have or are to  
have a ruler with the title of Emperor at  
the head of the Government or a political  
Constitution abolishing the republic and  
establishing for it a monarchy. Rome  
was substantially an empire before Cae-  
sar's dictatorship, and France was ruled  
by an imperialistic policy while Napoleon  
Bonaparte still called himself the Citizen  
Consul of the French Republic. With us  
the tendency to imperialism is not a  
Government took tangible shape when  
this republic assumed the power to rule  
over distant and alien countries and pop-  
ulations, not only without their consent,  
but distinctly against their will, and  
when, correspondingly, the principles and  
ideas we have inherited from the found-  
ers of this republic gave way to ideas  
to the powers of our Government, which  
defers widely to imperialism. Lascaris  
conception of a democracy, that it was  
"government of the people, for the people  
and by the people."

#### The Policy of Conquest.

When we contemplate the moral effect  
of the policy of conquest and subjugation,  
as it has been carried on and is now  
being carried on by the Republican party,  
we cannot but feel serious anxiety as to  
the future of this country. It is in the  
policy of conquest that we find the prin-  
ciple of the Declaration of Independence,  
that "government derives its just powers  
from the consent of the governed," stood  
substantially unopposed among us. The  
imperialistic policy of conquest and  
arbitrary rule over the conquered was  
entirely repugnant to the principles of  
the Declaration of Independence. Now  
it is scoffed at by many of the leaders  
of the Republican party as a guttering  
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**Bridgeford  
& Co.**  
501 W. Main.

A mere mention of malaria makes you think of Wintersmith's Tonic. First thoughts are best.

**DOUGLAS** way, and we fail to find one who is dissatisfied and remained so. We always have customers satisfied, even if it costs money. Try us on your next bill of Lumber and we will prove our statement.

**J. N. STRUCK & BRO.**  
BOTH PHONES 40.

A short trial will convince you that Wintersmith's Chill Tonic is a cure for chills, fever or dengue.

**WINTERSMITH & CO.**  
501 W. Main.

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## Branch Agencies.

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BUSCHEMEYER & SAAM, 800 East Broadway.

CHAS. H. BODE, corner Magazine and Twenty-second streets.

BLACK'S STAR DRUG STORE, Seventh and St. Catherine sts.

L. BIEHL, Grocer, 3300 High avenue.

HENRY A. BENDER, N. E. Cor. St. Catherine and Logan Sts.

BADER & ZEHNL, 2500 Frankfort avenue.

LESLIE P. BAKER & CO., Cor. Third avenue and L street.

J. M. COLL, Seventeenth and Bank streets.

HENRY F. COHN, Eighteenth and Chestnut streets.

C. A. DRALLE, Twentieth and Market streets.

EVANS DRUG CO., Tenth and Jefferson streets.

H. ELLMER, Grocer, 2600 W. Market street.

GOSS AVENUE PHARMACY, corner Goss ave. and Texas st.

PARKLAND PHARMACY, Dixon Hall, Twenty-eighth and Dumesnil streets.

W. B. HOPKINS, Thirtieth and Chestnut streets.

R. W. HOPMANN, northwest corner Shelby and Washington.

J. D. JANSING, Breckinridge and Barret avenue.

E. E. KILGUS, Third and Ormsby avenues.

KRIEGER BROS., Eleventh and Market streets.

H. MOORMAN, Bookstore, Preston and Caldwell streets.

JOSEPH MEUTER, southwest corner Twenty-second and Griffiths avenue.

W. D. MORRIS, Chestnut and Twenty-eighth streets.

C. F. MELTON, Eighteenth and Harney streets.

E. N. MENAR, Twelfth and Zane streets.

NUCKOLS BROS., Fifth and York streets.

W. P. OVERSTREET, corner Fifteenth and Prentice streets.

ROBERT D. PEYTON, Fourth avenue and Hill street.

RADEMAKER'S PHARMACY, 2000 Shelby street.

THEO. RECTANUS, southeast corner Market and Preston sts.

RILEY'S NEWS DEPOT, 1903 Baxter ave.

ALBERT STRUBY, southeast corner Portland avenue and Twenty-sixth street.

F. SCHNEIDER, southwest corner Broadway and Preston.

JULIUS H. SPELGER, Walnut and Campbell streets.

JOHN J. SEIBERZ, Story avenue and Webster street.

SHAFER'S PHARMACY, Twelfth street and Broadway.

J. A. SNYDER, Brook and Ormsby avenue.

F. V. SIMMS, 549 Preston street.

VOELCKER & CO., Clay and Market streets.

C. L. WOODBURY, corner First and Breckinridge streets.

JOHN C. WEINDEL, Baxter and Finzer avenues.

H. G. YOUNG, 1102 Frankfort avenue.

W. B. YOUNG, Broadway and Baxter avenue.

JEFFERSONVILLE, IND.

C. A. SCHIMPF & SON, Stationery, 435 Spring street.

NEW ALBANY, IND.

FRANK E. MILLER, 602 Vincennes, corner Oak.

CRECELUS' ANTI-TRUST CUT-RATE DRUG STORE,

131-133 East Main street, near Pearl.

CALLAHAN'S DRUG STORE, East Eighth and Oak streets.

## RAILROAD TIME TABLES.

SOUTHERN RAILWAY—Union Depot, Seventh and river.

WEST AND SOUTHWEST.

"Southern" Express, 9 a. m., daily, Princeton, Mt. Vernon, Centerville and St. Louis.

Florida Special, 7:25 p. m., daily, Lexington, Knoxville, Asheville, Chattanooga, Atlanta and Birmingham.

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# PARALYSIS

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**Had Been Connected With Mechanical Department of Newspapers For Years.**

**PAID FOR BY THE WEEK.**

**On Credit An Innovation In France.**

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**OPPORTUNITY TO MEET GIRLS WITH DOTS.**

**PROSPECT AHEAD OF TOPEKA MOVEMENT NOT FLATTERING.**

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J. C







## Sorosis Shoes.

First in style, quality and comfort, **SOROSIS** \$3.50 Shoes are at the head of the list in ladies' footwear. Made in all styles and all leathers and sold in Louisville exclusively by us.

## Souvenir Mailing Cards.

The Sorosis Company has sent us, for distribution among our friends, a number of beautiful Souvenir Mailing Cards showing Colonial scenes in New England. These include "Arrival of the Mayflower," "Plymouth Rock," "Old White House," "Home of John Alden and Priscilla," "Plymouth Rock," and "Home of Miles Standish." They are handsomely illustrated and a set of four may be had for the asking.

## Levy's Third and Market.

## Courier-Journal.

THURSDAY... NOVEMBER 3, 1904

## THREE NAMES

REGISTERED AS REPUBLICANS STRUCK FROM POLL BOOKS.

Dr. J. W. Kremer, Prominent Republican, Registered As Democrat, Also Dropped.

The names of four Republican voters were struck off the poll books in the County Court yesterday on information furnished by Democrats because it was shown that all had registered after having moved into their precincts too late to allow them to vote. Dr. J. W. Kremer registered from 1350 West Jefferson street as a Democrat and was challenged by the Democrats. He is known to have always been an active Republican in the western part of the city, and evidence produced in court yesterday proved that he had not lived at the address given long enough to entitle him to vote. His name was ordered struck off. The others whose names were stricken off for the same reason were Arthur Riser, 477 Bloom avenue; Chester D. Munford, colored, 304 St. Catherine street; Will Johnson, colored, 1615 Twelfth street. The votes of the following nineteen registered as Republicans will be challenged because of removal from their precinct since registration: John Adams, 212 Duncan; J. M. Reesor, 713 Twenty-sixth; J. W. St. John, 3029 Ford; Commodore Mayberry, 2104 Congress; George P. Suttle, 516 Twenty-second; Robert Hall, 109 Broadway; George C. Caton, 2621 West Jefferson; Joseph Metcalf, 2130 Grayson; George Ralph, 2321 West Chestnut; James Melville, 2303 Magazine; W. S. Berry, 3724 Magazine; W. C. Reichart, 2122 West Broadway; P. S. Strother, 2428 Cypress; William E. 2823 Kentucky; H. Brashear, 2435 Olive; John Scheydt, 2413 Hemlock; R. T. Chase, 2431 Hemlock; Andrew Mangler, 2111 Standard avenue; Will Wain, 1310 Kentucky.

## SHARP DROP

IN CUSTOMS COLLECTION AT LOUISVILLE PORT.

But a Fraction Over \$27,000 Duty Paid During the Month of October.

Imports in Louisville have dropped off sharply in the last two months, and during October but \$27,404 was collected. This is the smallest amount collected in any month for some time, and as September was also a light month, it is apparent that there is some cause for the falling off in imports. For several years the monthly collections have been running from \$35,000 to \$40,000, and the officials at the customhouse are unable to explain the sudden falling off in receipts.

## Date Set For Argument.

The motion for a permanent injunction in the case of the National Security Company against Willard & Cornwall, of New York, will be argued Tuesday before Judge Walter Evans in the United States District Court. A motion for the appointment of a receiver will also be made at the same time. The suit grows out of a contract for building a dam on the Blue River near Alabama, and the security company, which is on Willard & Cornwall's bond, alleges that it is threatened with suits as a result of the subletting of the contract.

## Suit Is Withdrawn.

The suit of the Monon railroad against the Kentucky Railroad Commission was dismissed yesterday on motion of the complainant. A temporary injunction restraining the commission from enforcing its new rules for car service had been obtained, but an agreement had been reached between the railroad and the commission, and the motion for a permanent injunction was withdrawn. The new rules promulgated by the Railroad Commission covers car service in all commodities on every railroad and from every shipping point in the state.

## OPENING SCENE OF "THE DAUGHTER OF THE REGIMENT."

In the opening scene of "The Daughter of the Regiment," to be presented at Macaulay's next Thursday evening for the benefit of the Confederate Association, a Tyroler dance will be given by Misses Nellie Simpson, Joie Bennett, Eliza Basin, Grace McDonald, Ethel McDonald, Edna McCowan and Elizabeth Bernice. The singing in this scene will also be an effective feature. As the soldiers approach through mountainous, the chorus chant to the madrigal, Miss Madeline Dunlap and Mr. Leonard Hewitt will each have solos in this part.

A full rehearsal of the cast and chorus will be held to-morrow afternoon. "Help refused assistance sought and found," as in the case of the man who imagines that he can rent his house just as well without advertising

## INJURY

To Head By Fall From a Car

BRINGS VERDICT FOR \$500.

PITCHER "AUGIE" WEYHING DEFENDANT IN SUIT.

BROWN MURDER CASE PASSED.

Lydia Klosterman was awarded \$500 damages against the Louisville Railway Company in Judge Gordon's court yesterday afternoon. She was attempting to get on a car at Nineteenth and Jefferson streets, when, according to her claims, the motorman turned on the rail she was dragged some distance. Finally releasing her grasp she fell to the street, striking her head. It was alleged that the car caused her almost constant headaches ever since. It was contended further that the inner layer of her skull had been fractured. Suit was brought for \$2,500.

**Murder Case Continued.**  
Ed Brown, a negro, charged with the murder of Hallie Edwards, also colored, was not ready to stand trial when his case was called in the Criminal Court yesterday morning. Two days ago he changed his counsel, and today O'Neal, who now has the case, represented to the court that he had not had sufficient time for preparation. Judge Pryor ordered a continuance until November 14. Brown shot and killed the woman on July 18 at 840 Baxter avenue. They had been living together, and when she refused to have anything further to do with him the shooting followed.

**Pitcher Weyhing Sued.**  
August Weyhing, former baseball pitcher, was made defendant yesterday in a suit for \$250 by John Sauer & Co., a tobacco firm of Cincinnati. Mr. Weyhing, or "Augey" as he is popularly known to baseball fans, is in the cigar business at 1113 Lydia street, and the plaintiff says in his petition that he purchased leaf tobacco from him from October 1 to December 1, 1903 to the amount of \$709.13. The amount sought is alleged to be balance due on the claim.

**Report of Grand Jury.**  
The grand jury returned the following report yesterday, and adjourned until this morning:  
Horse Stealing—Arthur R. Vance, Malicious Shooting and Wounding—William Johnson.  
James Kerr, charged with malicious cutting; J. H. Thomas, alias C. W. Nolin, charged with obtaining money by false pretenses; W. H. and W. T. Cundiff, charged with arson, were dismissed.

**Court Paragraphs.**  
—Oscar Farmer & Sons sued A. D. Wood & Sons for \$269.81, claimed due on account.  
—The German Insurance Bank sued E. B. Addison and Ewing Eaches on a note for \$150.  
—Annie E. Floyd sued Larkin Floyd for divorce, charging abandonment. They were married October 11, 1887.  
—Hannah J. Newell sued Daniel Newell for maintenance, charging abandonment and failure to support. She asks \$3 a month.

—Judge Kirby yesterday granted a divorce to Barbara Storm Harry Yarbra on the allegation of abandonment. They were married May 1, 1881.  
—In the case of the Louisville Fertilizer Company against P. Adams to collect a note for \$100, a verdict was given the plaintiff in Judge O'Doherty's court.

—Frank Berard sued the Pennsylvania Railroad Company for \$1,999 on account of injuries he received while on a train of the defendant employed as a section hand.  
—The Phoenix National Bank sued the Central Tobacco Warehouse Company for \$194 on a claim made under the second defendant's assignment.

—Stephen Fleck sued Emma and William Panke, William J. Sullivan and Sarah and G. W. McBride for \$1,500 claimed due on mortgages on three pieces of property on Bank street, west of Thirty-first.  
—The Stone Tobacco Warehouse Company sued E. M. LeCompte on an account for \$244.15, and seeks to foreclose on certain stock in the Louisville Tobacco Warehouse Company pledged by the defendant to plaintiff.

—Lawrence Hawkins sued the Louisville Gas Company for damages, claiming that the defendant's agents wrongfully cut off his gas and slandered him to the neighbors to the effect that he had not paid his gas bill.  
—Herbert Senor, a legal infant, by his next friend, George Green, sued the American Bridge Company for \$1,000. He says that a wrench fell from a bridge on Preston street, striking and injuring the defendant and struck him upon the head.

**Court of Appeals.**  
Frankfort, Ky., Nov. 2.—Present, Chief Justice Burman and Judges O'Rear, Nunn, Seitz, Holliday and Payne.  
Woolley vs. City of Louisville (two cases), affirmed; Bracken; affirmed.  
Arnold vs. Arnold, Lee; reversed.  
Yell vs. Blinn; reversed; Campbell; reversed.  
White vs. Manning, Clay; affirmed.  
Board of Commissioners of Louisville vs. Commonwealth; affirmed.  
Brewer vs. Commonwealth; affirmed.  
Reversed; whole court sitting (Payne dissenting).  
Barnes of Kentucky vs. Commonwealth, and Jones vs. Fowler Drug Company, Jefferson; cases passed for oral argument.  
Dowler vs. R. S. Kentucky Title Company; motion to dismiss appeal overruled.  
C. N. O. and T. P. Railway Company vs. Grant; appellee's motion to file supersedeas bond and award damages overruled.

Droegge vs. Huntington Lot and Improvement Company, Kenton; appeal to dismiss with damages.  
Commonwealth of Kentucky vs. Joe Duncan; Whitley; agreement of parties filed; copy of indictment filed and appellee given ten days further time to file brief.  
Cases 15, 18, 19, and 20 submitted.  
Case 17 submitted with thirty days to prepare brief.  
Smith, etc. vs. Wainwright, etc., Owen; Hunt vs. Taylor, etc.; Owen; agreements filed; cases continued.

Hager, Auditor vs. Louisville Title Company; Auditor vs. Kentucky Title Company; submitted with twenty days to prepare brief.  
Shropshire vs. Gault, Franklin; Polsgrove vs. Walker, Franklin; submitted with ten days to prepare brief.  
Board of Commissioners of City of Frankfort vs. Commissioners of Kentucky, Franklin; case 18, advanced and submitted.

Same vs. same, case 18, dismissed on appeal.  
Gibson vs. Thompson, Woodford; agreement filed; submitted with ten days to prepare brief and twenty days to prepare brief.  
Sherley vs. Southern Railway Company in Kentucky, Mercer; submitted with thirty days to prepare brief.  
C. N. O. and T. P. Railway Company vs. Janney Manufacturing Company vs. Bannockburn, Advance Thrasher Company vs. Curd, Mercer; Sandford vs. Reed, Mercer; N. O. and T. P. Railway vs. Taylor, Boyle; agreements filed; cases submitted with thirty days to prepare brief to file briefs in case.  
Robards vs. Robards, Boyle; agreement filed; appellee given until November 12 to file brief.  
Smith vs. Park's administrator vs. Garbard; cross-appeal granted to appellee, case submitted; ten days to appellant to file additional brief.

Hager, Auditor vs. Galt, etc., Franklin; case 19, 18, 19, 20, passed.  
McKinney vs. Thompson, Scott; agreement filed; submitted; twenty days to appellant and ten days to appellee to prepare brief.  
Franklin vs. Commonwealth Land and Lumber Company, Jefferson; supplemental brief filed on behalf of intervening stockholders.  
Ward vs. Putnam, Kenton; subpoena duces tecum issued.  
Standard Oil Company vs. Doyle, Fayette; agreement filed and appellee given thirty days from November 1 to file a petition for rehearing.  
V. Bank vs. Coldwater's executor, Jefferson; supplemental brief filed; appeal filed printed brief.

**Court of Appeals Decisions.**  
German National Bank, receiver, vs. F. Nagel, etc.—Filed October 20, 1904. (Not to be reported.) Appeal from Jefferson Circuit Court, Second Chancery division. Opinion by Judge Barker, reversing. First-Sale-Last-Story Statements—Involuntary Mistake—Concealment of Latent Infirmities—In a suit of bill property conveyance, the plaintiff sought to recover the property to be sold, which did not amount to knowing misstatement of fact patent to the observer, or to the concealment of some latent infirmity, at the same time the defendant sought to recover the property to be sold, which did not make the seller liable to deceit.

First-Sale-Last-Story Statements—Involuntary Mistake—Concealment of Latent Infirmities—Opportunity for Inquiry and Examination—It is a well-settled rule that mere concealment of some latent infirmity of the seller of property, as to its value, when the purchaser has an opportunity to make inquiry or inquiry, has no legal effect on the contract. In the case of the plaintiff, who was a receiver, Lane & Harrison for appellee.

Helen M. Smith vs. Chesapeake and Ohio R. Co.—Filed October 21, 1904. (To be reported.) Appeal from Boyle Circuit Court. Opinion by Judge Barker, dismissing appeal.  
First Motion for Peremptory Instructions—Filing Amended Petition—In an action against a railroad company for the alleged wrongful killing of a horse, the value of which was alleged in the petition and shown by the proof to be \$100, the jury in the court after the plaintiff's proof was all heard and a motion made by defendant for a peremptory instruction to allow the plaintiff to file an amended petition claiming \$500 additional damages for the alleged purpose of making the pleading conform to the proof where it was made, and there was no direct testimony in the case within the jurisdiction of the Appellate Court and was therefore a sham.

Second—Killing Crippled Horse by Second Motion for Peremptory Instructions—Damages—Where plaintiff's horse was found on a railroad bridge with its legs broken in the timbers, and after three hours' unsuccessful efforts by plaintiff's hands and the railroad section boss and crew to release the horse, which time it broke one of its legs in its struggles, and the train was kept waiting for the track to be cleared, was killed by order of the section boss against the protest of the plaintiff's agent, who was a humane person, and who had no authority to permit the killing, the defendant was liable for punitive damages.

E. L. Worthington and W. H. Wade vs. E. C. Burns for appellee.  
Ashby McKee vs. McKee's executor and Maggie McKee vs. J. A. Cheek, executor.—(Not to be reported.) Filed October 19, 1904. Appeal from Boyle Circuit Court. Opinion by Judge Barker, affirming.  
First—Will—Construction of—The second clause of the will of Mary McKee providing that Maggie McKee Cheek should take her dwelling house and grounds attached, portraits, pictures, household and kitchen furniture and all her personal effects and during her natural life and at her death to pass to her children or their descendants, the issue of any deceased one to represent the ancestor, but if at her death she has no descendants then the property shall pass to testatrix's grandsons, Ashby McKee, or his descendants, if he be not living and have no descendants then to her brothers and sisters or their descendants, the issue of any deceased one to represent the ancestor, but if at her death she has no descendants then the property shall pass to testatrix's grandsons, Ashby McKee, or his descendants, if he be not living and have no descendants then to her brothers and sisters or their descendants, the issue of any deceased one to represent the ancestor, but if at her death she has no 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